

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2008-97

ROBERTA SUE RIGSBEE
833 N. Manzanita
Visalia, CA 93292

FMC Carswell
Federal Medical Center
P.O. Box 27137
Fortworth, TX 76127

Registered Nurse License No. 611774

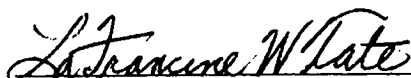
Respondent.

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on May 19, 2008

IT IS SO ORDERED this May 19, 2008.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
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7 Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2008-97

12 ROBERTA SUE RIGSBEE
833 N. Manzanita
13 Visalia, CA 93292

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 FMC Carswell
Federal Medical Center
15 P.O. Box 27137
Fortworth, TX 76127

16 Registered Nurse License No. 611774

17 Respondent.
18

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
20 proceeding that the following matters are true:

21 PARTIES

22 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
23 the Board of Registered Nursing. She brought this action solely in her official capacity and is
24 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
25 by Elena L. Almanzo, Deputy Attorney General.

26 2. Roberta Sue Rigsbee (Respondent) is representing herself in this
27 proceeding and has chosen not to exercise her right to be represented by counsel.

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3. On or about November 14, 2003, the Board of Registered Nursing issued Registered Nurse License No. 611774 to Roberta Sue Rigsbee (Respondent). The license expired on June 30, 2006, and has not been renewed.

JURISDICTION

4. Accusation No. 2008-97 was filed before the Board of Registered Nursing (Board) , Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on September 26, 2007 at her address of record with the Board which is 833 Manzanita, Visalia, California 93292. Respondent was also served in December of 2007 at FMC Carswell, Federal Medical Center, P.O. Box 27137, Fortworth, TX 76127. A copy of Accusation No. 2008-97 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2008-97. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

8. The parties agree to amend paragraph 7 of Accusation No. 2008-97 to change the date of September 15, 2005, to September 15, 2006 and to eliminate the word distribute. The parties agree that said paragraph will be modified as follows:

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“7. Respondent is subject to discipline under Code section 2761, subdivision (f), in that on September 15, 2006, in the United States District Court, Eastern District of California, in the case entitled *United States of America vs. Roberta Sue Rigsbee*, Case No. 1:05CR00217-001), Respondent was convicted by the court on her plea of guilty of a violation of 18 U.S.C section 2252, subdivision (a)(4)(B) (possession of material involving the sexual exploitation of minors). The circumstances of the crime are that beginning on an unknown date through and including March 15, 2005, Respondent did knowingly receive, via computer, visual depictions, the producing of which involved minors engaging in sexually explicit conduct. Such conduct is substantially related to the qualifications, functions, or duties of a licensed registered nurse.”

CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 2008-97 as amended, and agrees that cause exists for discipline and hereby surrenders her Registered Nurse License No. 611774 for the Board's formal acceptance.

10. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Registered Nurse License without further process.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the (Board) may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 611774, issued to Respondent Roberta Sue Rigsbee is surrendered and accepted by the Board of Registered Nursing.

14. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

15. Respondent shall lose all rights and privileges as a Registered Nurse in California as of the effective date of the Board's Decision and Order.

16. Respondent shall make a good faith effort to deliver to the Board both her wall and pocket license certificate on or before the effective date of the Decision and Order. If she is unable to cause the delivery of her wall or pocket license prior to the effective date she shall make a good faith effort to do so following her release from prison.

17. Respondent fully understands and agrees that if she ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2008-97 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

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1 18. Upon reinstatement of the license, Respondent shall pay to the Board costs
2 associated with its investigation and enforcement pursuant to Business and Professions Code
3 section 125.3 in the amount of Nine Thousand Ten Dollars and No Cents (\$9,010.00):

4 Respondent shall be permitted to pay these costs in a payment plan approved by the Board.

5 19. Should Respondent ever apply or reapply for a new license or certification,
6 or petition for reinstatement of a license, by any other health care licensing agency in the State of
7 California, all of the charges and allegations contained in Accusation, No. 2008-97 shall be
8 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
9 Issues or any other proceeding seeking to deny or restrict licensure.

10 20. Respondent shall not apply for licensure or petition for reinstatement for
11 two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

12 ACCEPTANCE

13 I have carefully read the Stipulated Surrender of License and Order. I understand
14 the stipulation and the effect it will have on my Registered Nurse License. I enter into this
15 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
16 be bound by the Decision and Order of the Board of Registered Nursing.

17 DATED: March 5, 2008.

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19 Roberta Sue Rigsbee
20 Roberta Sue Rigsbee (Respondent)
21 Respondent
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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 3/7/08

EDMUND G. BROWN JR., Attorney General
of the State of California

ARTHUR D. TAGGART
Supervising Deputy Attorney General


ELENA L. ALMANZO
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: SA2006103326
30403313.wpd

Exhibit A
Accusation No. 2008-97

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
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3 ELENA L. ALMANZO, State Bar No. 131058
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7 Attorneys for Complainant
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BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008-97

13 **ROBERTA SUE RIGSBEE**

833 N. Manzanita
14 Visalia, California 93292

A C C U S A T I O N

15 Registered Nurse License No. 611774

16 Respondent.
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18 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the
21 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
22 Affairs.

23 **Registered Nurse License**

24 2. On or about January 14, 2003, the Board issued Registered Nurse License
25 Number 611774 to Roberta Sue Rigsbee ("Respondent"). The registered nurse license expired on
26 June 30, 2006, and has not been renewed.

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1 through and including March 15, 2005, Respondent did knowingly receive and distribute, via
2 computer, visual depictions, the producing of which involved minors engaging in sexually
3 explicit conduct. Such conduct is substantially related to the qualifications, functions, or duties
4 of a licensed registered nurse.

5 **PRAYER**

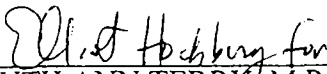
6 WHEREFORE, Complainant requests that a hearing be held on the matters herein
7 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

8 1. Revoking or suspending Registered Nurse License Number 611774, issued
9 to Roberta Sue Rigsbee;

10 2. Ordering Roberta Sue Rigsbee to pay the Board of Registered Nursing the
11 reasonable costs of the investigation and enforcement of this case, pursuant to Code section
12 125.3; and,

13 3. Taking such other and further action as deemed necessary and proper.
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15 DATED: 9/14/07

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17 
18 RUTH ANN TERRY, M.P.H., R.N.
19 Executive Officer
20 Board of Registered Nursing
21 Department of Consumer Affairs
22 State of California
23 Complainant
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